

Videotaped Deposition of
Katie Cappuccio
December 11, 2024
Volume I

Katie Cappuccio
vs.
California State University



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1 A. About July or August is when they came
2 back.
3 **Q. Okay. Last role that you described is the**
4 **car seat inspection program. Tell me what that**
5 **program was about.**
6 A. So a car seat -- I can't think of what the
7 actual title is but basically you go through
8 specialized training through NHTSA, which is the
9 National Highway Transportation Association, and you
10 learn about how to properly install car seats. And
11 so it was a service that we offered to our campus
12 community. We had a children's center on campus,
13 so, and then lots of children in that area, and so
14 we had to attend a 40-hour class on car seats and
15 learn how to install all kinds and types.
16 And then we trained people, parents that
17 came to the police department. We had appointments
18 set up and inspected what they did and taught them
19 how to do it better and things like that. And we
20 gave away free car seats --
21 **Q. Uh-huh.**
22 A. -- from time to time, and booster seats,
23 and talked about when your child progresses to the
24 next level, et cetera.
25 **Q. That's great. I wish somebody would have**

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1 **told me about that before I struggled to get my car**
2 **seat in the car.**
3 **Can you tell me -- so you are trained --**
4 **you are a trained car seat inspection technician?**
5 A. Correct.
6 **Q. And when you did receive that training?**
7 A. It's so hard to remember. I want to say it
8 was in 2017 or '18.
9 **Q. The 40-hour class that you mentioned, was**
10 **that training that you received or was that training**
11 **that you provided to parents or anybody who wanted**
12 **training on it?**
13 A. It was training I had to do.
14 **Q. Okay. So you received your 40 --**
15 **approximately 40 hours of training related to car**
16 **seat inspections somewhere between 2017, 2018?**
17 A. Somewhere around there.
18 **Q. Okay. And then how often did you train**
19 **parents or other people who wanted training on the**
20 **car seats?**
21 A. So it was sort of just a case by case basis
22 where parents would contact the police department.
23 I was connected with the Orange County Department of
24 Public Health and so we were listed on their website
25 as a service provider so we would just get random

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1 calls for appointments from random people all the
2 time.
3 And then occasionally we would do like
4 specific car seat events where we would like
5 publicize it on campus and advertise to the
6 community that we were going to do an event, and
7 then people would roll through and have their seats
8 inspected and sometimes graduate to boosters.
9 **Q. Did you continue on with training and car**
10 **seat events during COVID?**
11 A. We did actually. We -- we did have one
12 event and it was mostly -- I mean, we suspended
13 inspections for a short time but ultimately I
14 decided that COVID or not, it was important that
15 children were safe. And so we just made sure that
16 we were, you know, keeping our distance from people
17 but essentially continuing with the program.
18 And we did do one event where we were just
19 like kind of doing education and handing out
20 boosters and materials to parents and giving
21 demonstrations rather than like actually inspecting
22 their car seats.
23 **Q. Okay. And do you remember generally when**
24 **that one event was?**
25 A. It must have been late summer 2021. I

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1 really can't recall the exact date.
2 **Q. Okay. That's okay.**
3 **Do you remember if it was before or after**
4 **classes resumed on campus in August of 2021?**
5 A. I really don't remember.
6 **Q. Okay. That's okay. All right.**
7 **I think we hit all of your secondary roles.**
8 **There were a lot of them. Did we miss any?**
9 A. Not that I can think of.
10 **Q. On the car seat inspection program, you**
11 **mentioned doing these bigger events and then also**
12 **case-by-case with kind of a one-on-one with parents**
13 **when they came in.**
14 **Did the -- did you suspend the one-on-ones**
15 **during COVID times or did those continue on**
16 **throughout?**
17 A. I think for a short time we suspended it
18 but, again, we were in the agreement that, like,
19 COVID or not, people need to have their baby safe.
20 **Q. Yeah.**
21 A. So we just continued. Of course they
22 decreased -- the requests decreased because people
23 weren't going anywhere, but aside from that we kept
24 doing them.
25 **Q. Yes. Okay. I want to go into some of your**

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1 proceed from there. You don't know whether you
2 would move forward with something like chemotherapy
3 or refuse the treatment?
4 A. Correct.
5 Q. Okay. I know that's an extreme example and
6 I hope you haven't been diagnosed. That's the first
7 thing that I can think of that comes to mind with
8 like --
9 A. Yeah.
10 Q. -- a diagnosis and injection. Okay.
11 And then you said you -- with respect to
12 COVID vaccinations specifically, what is your --
13 your religious belief on the COVID vaccination?
14 A. Well, it's similar to what I already said.
15 Are you looking for like a specific as to that
16 vaccine or --
17 Q. Yeah. So is it -- is it what you've
18 already said your belief is with respect to vaccines
19 and your body being a temple, not needing to inject
20 the vaccine into you to protect it, and that God
21 will protect you and your body. That's what I
22 wrote, generally what I wrote down you said is your
23 belief with respect to vaccinations.
24 Is there anything additional to that with
25 respect to the COVID vaccine specifically?

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1 A. I think that summarizes it. I think -- I
2 mean, we say COVID vaccine but there were several
3 different vaccines so it's hard to say what the, you
4 know, makeup of, you know, if one has aborted fetal
5 cells and one doesn't. I mean, I don't know that
6 stuff so I can't really give you a specific answer
7 to a specific COVID-19 vaccine.
8 Q. Okay. Understood. To the extent that a
9 COVID vaccine did contain aborted fetal cells, then
10 that's something that would be, in your opinion,
11 directly against your religious belief. Is that
12 right?
13 A. Yes, that's one of the factors.
14 Q. Okay. Is there anything else regarding the
15 makeup of the COVID -- the different COVID vaccines
16 that were available that you can specifically recall
17 at this time?
18 A. No, I don't remember the differences or the
19 science.
20 Q. Okay. Putting aside the COVID vaccine, did
21 your religious belief extend to all types of
22 vaccines or did it just cover some vaccines that
23 dealt with things like aborted fetal cells and the
24 makeup of the vaccine?
25 A. It covers all the vaccines.

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1 Q. Okay. Have you ever received a vaccine in
2 your life?
3 A. I have.
4 Q. When was the last time you received a
5 vaccine?
6 A. It would have been when I was a teenager.
7 Q. Do you remember what it was?
8 A. I think it was the Gardasil.
9 Q. Do you remember generally the year or the
10 range of years, if you were in high school?
11 A. I don't remember. I mean, high school was
12 '95 to '99. Somewhere around there.
13 Q. So some time before 1999 probably you
14 received your last vaccine. Does that sound --
15 A. Probably.
16 Q. -- approximate?
17 A. I mean, I don't really remember because I
18 think that was like a series so I don't know like
19 the exact dates, you know, whatever my parents made
20 me do.
21 Q. Okay?
22 A. I don't know.
23 Q. Not -- you don't believe that you received
24 a vaccine after the age of, let's say, 20?
25 A. I don't recall getting any after that

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1 Gardasil.
2 Q. Okay.
3 A. I did not have a -- I had complications
4 with it as well, so --
5 Q. Oh, I'm sorry about that.
6 MS. PEARSON: Is that HPV?
7 THE WITNESS: Yeah.
8 BY MS. DAVIS:
9 Q. How old are you today, if you don't mind?
10 A. I just turned 43.
11 Q. You don't look 43.
12 A. Thank you.
13 Q. 43 is the new 33?
14 A. I hope so, although my body is telling me
15 otherwise.
16 Q. That's just being a mom, I think.
17 A. Yes.
18 Q. Okay. So you -- have you ever received a
19 flu shot?
20 A. No.
21 Q. Or an RSV shot?
22 A. No.
23 Q. Did you need to have a tetanus shot to be a
24 police officer?
25 A. No.

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1 A. No.

2 Q. Great. Okay.

3 We left off talking a little bit about your

4 religion and your religious beliefs with respect to

5 vaccines. I would also like to ask about your --

6 I'm sorry -- religious beliefs on medical

7 procedures.

8 Can you tell me what your belief is with

9 respect to medical procedures?

10 A. My belief is that it's unnecessary to go to

11 the doctor if you're not ill and to engage in

12 medical practices that are unnecessary.

13 Q. When you say "going to the doctor," does

14 that include a nurse or nurse practitioner as well?

15 A. Yes.

16 Q. So any healthcare provider?

17 A. Yes.

18 Q. So it's your religious belief not to seek

19 treatment from a healthcare provider if you are not

20 ill; is that correct?

21 A. Correct.

22 Q. Okay. How does that work with something

23 like a dentist? Do you go in to the dentist?

24 A. I do go to the dentist, yes.

25 Q. And you have annual cleanings with the

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1 dentist?

2 A. I do.

3 Q. Do you go twice a year or once a year to

4 the dentist?

5 MS. PEARSON: Can you allow her to finish

6 for the transcript to be clear.

7 THE WITNESS: I go to the dentist at least

8 once a year.

9 BY MS. DAVIS:

10 Q. Okay.

11 A. I have had dental problems in the past and

12 so it's -- there are sort of ongoing issues that are

13 monitored at the dentist.

14 Q. Issues being cavities or something else?

15 A. Something else.

16 Q. Okay. And the something else is -- what is

17 it?

18 A. I have dental implant.

19 Q. Oh, you have dental implants. Okay. So

20 when you're going in to the doctor annually, are

21 they doing anything specific to the dental implants

22 to maintain them or how does that work?

23 A. Yes, I have frequent infections and so

24 it -- the device has had to be replaced and it

25 requires major anesthesia surgery. And so it's

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1 something that is sort of an ongoing issue that has

2 to be monitored regularly.

3 Q. Do you see a dentist in Orange County for

4 that?

5 A. I have a new dentist in Orange County, yes,

6 but previously my dentist was in Victorville and

7 that is quite a long drive.

8 Q. What was the name of your dentist in

9 Victorville?

10 A. Her name is Dr. Ginger -- excuse me --

11 Ginger Scoggins.

12 Q. Ginger is G-i-n-g-e-r?

13 A. Yes.

14 Q. Scoggins?

15 A. S-c-o-g-g-i-n-s.

16 Q. Thank you.

17 And who is your current dentist?

18 A. His name is Dr. Jay, J-a-y, Berger,

19 B-e-r-g-e-r.

20 Q. Okay. And when did you switch to

21 Dr. Berger?

22 A. I believe sometime last year or the year

23 prior, '23 or '24. It is still '24.

24 Q. Sometime in 2023 --

25 A. 20 --

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1 Q. -- or 2022 you switched dentists?

2 A. I believe it was 2023.

3 Q. Was Dr. Scoggins the one who put your

4 implants in?

5 A. No.

6 Q. Who put your implants in?

7 A. Oh, man. I cannot recall his name.

8 Q. Do you remember where the office was

9 located?

10 A. Palm Desert -- or no. Rancho Mirage.

11 Q. And that's in California?

12 A. Yes, ma'am.

13 Q. That was a male dentist?

14 A. Yes.

15 Q. When did the Rancho Mirage dentist put your

16 implants in?

17 A. I think 1999 was the first time.

18 Q. You were in high school, you were

19 graduating high school around that time?

20 A. Around that time.

21 Q. And then you said you had to have them

22 replaced. And is it a full implant, the whole --

23 the whole mouth, or is it a couple teeth?

24 A. It's a singular tooth.

25 Q. It's one tooth. Okay. Which you said you

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1 A. I don't think so.

2 **Q. The next row after that is for the week of**

3 **October 4th, 2021. It says that you did not take a**

4 **COVID test that week. Is that accurate?**

5 A. Yes.

6 **Q. The row after that is for the week of**

7 **October 11, 2021. It says you did not take a COVID**

8 **test that week. Is that accurate?**

9 A. Yes.

10 **Q. Next row down is for October 18th, 2021.**

11 **It says you did not take a COVID test that week. Is**

12 **that accurate?**

13 A. Yes.

14 **Q. Next week after that is October 25th, 2021.**

15 **It says you did not take a COVID test that week. Is**

16 **that accurate?**

17 A. Yes.

18 **Q. Okay. November. Next week down is**

19 **November 1, 2021. It says you did not take a COVID**

20 **test that week. Is that accurate?**

21 A. Yes.

22 **Q. The week of November 8th, 2021, it says you**

23 **did not take a COVID test that week. Is that**

24 **accurate?**

25 A. Yes.

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1 **Q. The week of November 15th, 2021, it says**

2 **you did not take a COVID test that week. Is that**

3 **accurate?**

4 A. Yes.

5 **Q. The week of -- the week of November 22nd,**

6 **2021, it says you did not take a COVID-19 test that**

7 **week. Is that accurate?**

8 A. Yes.

9 **Q. The week of November 29th, 2021, it says**

10 **you did not take a COVID test that week. Is that**

11 **accurate?**

12 A. Yes.

13 **Q. All right. Looking at December. It says**

14 **the week of December 6th, 2021, you did not take a**

15 **COVID test that week. Is that accurate?**

16 A. Yes.

17 **Q. Next week is December 13th, 2021. You did**

18 **not take a COVID test -- COVID-19 test that week as**

19 **well. Is that accurate?**

20 A. Yes.

21 **Q. Okay. Then we get to the week of**

22 **December 20th, 2021. Next to that week it says not**

23 **required to test. Can you explain why you were not**

24 **required to do a COVID test the week of**

25 **December 20th, 2021?**

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1 A. I believe that was the week that I was on

2 vacation. The university had said nobody has to

3 test when they go on vacation. So that was what

4 they said, there's no requirement to test.

5 **Q. Okay. After that is the week of**

6 **December 27, 2021. Next to this one it says**

7 **self-testing at home. Did you do a COVID-19**

8 **self-test at home the week of December 27, 2021?**

9 A. Yes.

10 **Q. Why did you do a home test that week?**

11 A. Because I wasn't feeling well.

12 **Q. You weren't feeling well during that week?**

13 A. During that week, correct.

14 **Q. Okay. Are you sure you're not confusing it**

15 **with January 17th, 2022, when you contracted COVID?**

16 A. I don't remember.

17 **Q. Let's come back to this one.**

18 MS. DAVIS: Okay. I'm going to mark

19 Exhibit 8. Oh, sorry. I was going to -- oh, oh.

20 Can we go off the record for a second?

21 THE VIDEOGRAPHER: We are now going off the

22 record. Time is -- sorry -- 2:18 p.m.

23 (A recess was taken.)

24 THE VIDEOGRAPHER: We're now going back on

25 the record. The time is 2:19 p.m.

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1 MS. DAVIS: Okay. We're back on the

2 record. Sorry about that. I'm handing you what's

3 just been marked Exhibit 8. Okay. This is a

4 one-page document. It is an email -- looks like an

5 email. I'm going to focus on the email in the

6 middle of the page from Katie Cappuccio to

7 mtapper@fullerton.edu sent on January 21, 2022, at

8 4:08 p.m. The email title is Notification.

9 (The aforementioned document was

10 marked Exhibit 8 for

11 identification.)

12 BY MS. DAVIS:

13 **Q. Did you send this email to Michelle Tapper?**

14 A. Yes, I did.

15 **Q. Okay. The email says, quote, "Based on my**

16 **current status, I have been advised to notice you of**

17 **my positive COVID-19 test which was reported using**

18 **the student and employee COVID-19 self-reporting**

19 **form."**

20 **Does that refresh your recollection that**

21 **you got COVID in January of 2022?**

22 A. Yes.

23 **Q. Okay. Let's please flip back to Exhibit 7.**

24 **Looking at the chart again, do you see the row in**

25 **the chart that says January 17th, 2022, self-testing**

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1 A. Or doctor.

2 **Q. So it depends on who the other person is**

3 **that's giving the screening?**

4 A. Well, it's not -- it doesn't depend on who

5 it is necessarily as much as it's that I would be

6 going to an actual medical facility for unnecessary

7 medical treatment versus doing a personal test on

8 myself for personal reasons.

9 **Q. What if a nurse came over to your house and**

10 **did the screening for you at your house? Would that**

11 **be okay?**

12 MS. PEARSON: Incomplete hypothetical.

13 THE WITNESS: I don't know what

14 screening -- you mean a COVID test?

15 BY MS. DAVIS:

16 **Q. Yeah.**

17 A. Well, no, not if I was not requesting her

18 to come to my house to do testing on me, no.

19 **Q. Okay. What if a friend came over and gave**

20 **you the COVID test? Would that be okay?**

21 MS. PEARSON: The same objection. Both

22 call for speculation.

23 THE WITNESS: No, it wouldn't.

24 BY MS. DAVIS:

25 **Q. But you were okay to give yourself a**

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1 **self-administered COVID test?**

2 A. Yes.

3 **Q. But it's not okay for a doctor or a nurse**

4 **or anybody else to give you a self-administered**

5 **COVID test?**

6 A. Right. I would be seeking medical

7 attention that was unnecessary.

8 **Q. Okay. So if another police officer**

9 **administered the test, that would not be permissible**

10 **under your religious belief?**

11 MS. PEARSON: Same objection.

12 THE WITNESS: No.

13 BY MS. DAVIS:

14 **Q. Or a campus police administered the test,**

15 **that wouldn't be permissible?**

16 A. No.

17 MS. PEARSON: The same objection.

18 BY MS. DAVIS:

19 **Q. I'm done with that exhibit, so you can set**

20 **that one to the side too.**

21 A. (Complies.)

22 MS. DAVIS: Let's take a quick five-minute

23 break, please.

24 THE VIDEOGRAPHER: We're now going off the

25 record. The time is 2:46 p.m.

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1 (A recess was taken.)

2 THE VIDEOGRAPHER: We're now going back on

3 the record. The time is 2:57 p.m.

4 MS. DAVIS: Thank you.

5 **Q. Ms. Cappuccio, is there any reason why we**

6 **cannot proceed with the deposition today with your**

7 **complete and accurate testimony this afternoon?**

8 A. No.

9 **Q. Perfect.**

10 MS. DAVIS: What exhibit number are we on?

11 MS. PEARSON: It will be nine.

12 MS. DAVIS: Nine. I will be marking an

13 exhibit marked Exhibit Number 9. This was

14 Exhibit Number 22 from the state personnel board

15 proceeding. It is a three-page chart purporting to

16 show different information related to

17 Katie Cappuccio's COVID-19 testing history.

18 (The aforementioned document was

19 marked Exhibit 9 for

20 identification.)

21 BY MS. DAVIS:

22 **Q. Do you remember seeing this chart during**

23 **the state personnel chart hearing?**

24 A. Yes.

25 **Q. I'd just like to walk through the chart**

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1 **with you. If you look at Page 1 of the document,**

2 **CSU_001280, it looks like just one long row of**

3 **information that carries on to Page 2 and 3; is that**

4 **right?**

5 A. Yes.

6 **Q. Okay. Under Last Name, we have Cappuccio.**

7 **First Name, Katie T. I assume this is you.**

8 A. Uh-huh.

9 **Q. Does that seem right?**

10 A. Yes.

11 **Q. Is that your department ID number, 10235?**

12 A. Yes.

13 MS. PEARSON: Do you know, or --

14 THE WITNESS: I believe it is.

15 BY MS. DAVIS:

16 **Q. Okay. And you were a police officer?**

17 A. Correct.

18 **Q. And you were in the VP administration and**

19 **finance division?**

20 A. Yes.

21 **Q. Your supervisor was Robert Mullaney?**

22 A. Correct.

23 **Q. And that's the Lieutenant Mullaney that you**

24 **mentioned earlier?**

25 A. Yes.

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1 were not feeling well?

2 A. Correct.

3 Q. Okay. And then in January -- on January --

4 the week of January 17th, 2022, you also took a

5 self-test?

6 A. Yes.

7 Q. And why did you do that self-test?

8 A. Because I was sick.

9 Q. Okay. And then in December on -- the week

10 of December 27, 2021, when you did the self-test kit

11 at home, what was the result?

12 A. It was negative.

13 Q. Okay. And the week of January 20th --

14 January 17th, 2022, when you did the self-test kit,

15 what was the result?

16 A. It was positive.

17 Q. Okay. The chart also says that the week of

18 January 3rd, 2022, you did not do a COVID test. Is

19 that accurate?

20 A. Yes.

21 Q. The week of January 10th, 2022, it says you

22 also did not do a COVID test. Is that also

23 accurate?

24 A. Yes.

25 Q. And the week of January 24, 2024, it says

Page 182

1 you were exempt. Is that accurate?

2 A. Yes.

3 Q. And why were you exempt that week?

4 A. We -- after I submitted the positive test

5 result, the week of the 17th I got an email from a

6 nurse or doctor at the health center that said that

7 I was exempt from testing due to the positive COVID

8 test, and that I would be exempt for 90 days.

9 Q. Okay. Okay. Can you please -- other than

10 this -- oh, sorry. I turned the page. Other than

11 the self-tests that we just looked at in the chart,

12 have you ever taken another COVID test?

13 A. No.

14 Q. So just those two tests were all you've

15 ever done?

16 A. Correct.

17 Q. Have you ever taken a COVID test that was

18 not self-administered?

19 A. I do not think so, no.

20 Q. And you never ended up getting a COVID

21 vaccine?

22 A. No.

23 MS. PEARSON: Right?

24 THE WITNESS: Correct.

25 ///

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1 BY MS. DAVIS:

2 Q. Okay. I think you said that your Orange

3 County Community College, Fullerton Community

4 College, they do not have a vaccine mandate in place

5 anymore; right?

6 A. I don't believe so.

7 Q. But they did have one around 2021 or 2022?

8 A. Correct.

9 Q. And you said you asked for an exemption to

10 that policy?

11 A. Yes.

12 Q. And it was granted?

13 A. Yes.

14 Q. Did you ask for an exemption to any

15 testing?

16 A. Yes.

17 Q. Was it granted?

18 A. Yes.

19 Q. Did they make you do -- require you to wear

20 any PPE or anything of that nature?

21 A. No.

22 Q. Is that because you were remote?

23 A. I was -- I was remote. But when I went on

24 campus, I didn't wear anything -- or use any PPE. I

25 wasn't told to, I guess.

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1 Q. How often did you go on campus?

2 A. Seldom.

3 Q. Can -- so looking at your complaint again

4 that's in front of you as Exhibit 7, can you please

5 go to the previous page and look at what's been

6 marked as Paragraph 51. It's on Page 12. It's the

7 page right before the chart. It's at the bottom of

8 the page.

9 Do you see the paragraph that says, "51

10 during her Skelly hearing"?

11 A. Yes.

12 Q. Do you see the numbers along the left-hand

13 side?

14 A. Yes.

15 Q. So if you look at 25 at the far end of

16 that, it says, "Plaintiff" -- "Plaintiff was willing

17 to indulge CSU and partake in self-administered

18 testing which is in line with the self-administered

19 test kits CSU provided other officers over the 2021

20 to 2022 winter break."

21 Is that accurate, were you willing to

22 partake in self-administered COVID-19 testing as of

23 late 2021, early 2023?

24 A. 2023?

25 Q. I'm sorry, 2022.